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THE SITUATION IN CENTRAL AMERICA: PROCEDURES FOR THE ESTABLISHMENT OF A FIRM AND LASTING PEACE AND PROGRESS IN FASHIONING A REGION OF PEACE, FREEDOM, DEMOCRACY AND DEVELOPMENT

Letter dated 10 March 1994 from the Permanent Representative of Guatemala to the United Nations addressed to the Secretary-General

I have the honour to transmit to you a letter from the Minister for Foreign Affairs of the Republic of Guatemala, Mrs. Gladys Marithza Ruiz de Vielman, concerning the situation of the territorial and maritime limits between Guatemala and Belize, as well as my country's official policy.

I should be grateful if this letter could be circulated as an official document of the General Assembly, under item 43 of the preliminary list.

(Signed) Julio Armando MARTINI HERRERA
Ambassador
Permanent Representative

* A/49/50.

Letter dated 4 March 1994 from the Minister for Foreign Affairs of Guatemala addressed to the Secretary-General concerning the situation of the territorial and maritime limits between Guatemala and Belize

I have the honour to refer to the letter dated 22 April 1992 addressed to you by the Chargé d'affaires a.i. of the Permanent Mission of Belize to the United Nations (A/47/173-S/23837), to which was attached a copy of relevant extracts of a statement delivered by the Minister for Foreign Affairs of Belize on 3 April 1992 on the occasion of the establishment of the National Advisory Commission on the negotiations between Belize and Guatemala. In that letter, it was requested that the letter and its annex should be circulated as an official document of the General Assembly under agenda item 36. The Government of Guatemala saw no need to make reservations to that statement, since the Belize-Guatemala Joint Declaration, dated 31 July 1992, in which both States recognize that their territorial and maritime boundaries are not defined, made it clear that the Declaration could not be interpreted as detrimental to its sovereign rights.

However, in view of recent events which have given rise to a series of speculations about Guatemala's policy towards the neighbouring country, I have deemed it appropriate to transmit to you this note containing the following declaration regarding Guatemala's official position on the matter, with the request that it should be circulated to the delegations of the Member States of the Organization:

1. As called for in article 149 of the Constitution, Guatemala's relations with other States are governed by international principles, rules and practices; Guatemala maintains relations of friendship, solidarity and cooperation with the countries of the world, particularly with neighbouring States.

2. In its international relations, the Government of Guatemala, in accordance with the principles of the Charter of the United Nations, refrains from the threat or use of force, respects the principles of sovereign equality of States and self-determination of peoples and firmly believes that the settlement of disputes between States should be achieved by peaceful means, in conformity with the principles of justice and international law.

3. The Government of Guatemala has always expressed its willingness to continue direct discussions with the Government of Belize in order to reach a definitive solution to the territorial dispute between those two States, which remains unresolved.

4. In the Joint Declaration, dated 31 July 1992, the Governments of Guatemala and Belize expressed their willingness to continue the negotiations to seek a solution to the ongoing dispute, and mentioned in particular that Guatemala and Belize have not concluded a treaty definitively establishing their territorial and maritime limits, and that such a treaty would be among the desired results of the negotiations.

5. The territorial claim which Guatemala maintains includes a land area currently occupied by Belize and maritime spaces in the Caribbean Sea.

6. Concerning the maritime spaces covered by the Act of 24 January 1992 on the territorial sea, the internal waters and exclusive economic zone of Belize published in Law of the Sea Bulletin No. 21 of August 1992 by the Division for Ocean Affairs and the Law of the Sea of the United Nations Secretariat's Office of Legal Affairs, Guatemala expresses a formal reservation to any provision that adversely affects its sovereignty and jurisdiction over its territorial sea, continental shelf and exclusive economic zone, not only as defined by the State of Guatemala well before the adoption by Belize of the above-mentioned Act but also as may be defined once the ongoing territorial dispute is settled. It also formulates the following reservations and declarations:

(a) The breadth of Guatemala's territorial sea extends 12 nautical miles measured from the baselines determined by the low-water line along the coast under the terms of the settlement of the territorial dispute;

(b) As a coastal State, Guatemala has not surrendered its sovereign rights over its maritime space even though it exercises authority only over the part that is not affected by the dispute and has done so without incident. Until such time as the territorial dispute is resolved, Guatemala cannot and does not accept the principle of equidistant lines with States with opposite or adjacent coasts that might affect its sovereign right to 12 nautical miles;

(c) The waters on the landward side of the baseline of Guatemala's territorial sea form part of its internal waters;

(d) Guatemala reserves the right to take, in the territorial sea as determined when the dispute is resolved and in that over which it has traditionally exercised authority, appropriate control measures to prevent and punish any infringement of its customs, fiscal, immigration or sanitation laws and regulations;

(e) Guatemala confirms that its exclusive economic zone consists of an area beyond and adjacent to the territorial sea, that extends up to 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. However, once the territorial dispute with Belize is settled, in the event of conflict of interests with another State or other States, Guatemala could agree to have the dispute resolved in accordance with international law on the basis of equity in light of the relevant circumstances, taking into account how vital its interests in the zone are. It might also be possible to consider areas of joint exploitation or participation within the zone;

(f) Guatemala's continental shelf comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, or to the outer edge of the continental margin when it extends

beyond that distance, with exclusive rights of sovereignty for purposes of exploiting its natural resources, that do not depend on occupation effective or notional, or on any express proclamation. In that regard, the Government of Guatemala wishes to point out that the letter dated 13 February 1992 sent by the then Minister for Foreign Affairs of Guatemala to the Ministry of Foreign Affairs of Belize (to which reference is made in the note dated 22 April 1992 from the Government of Belize (A/47/173-S/23837)) concerning the exclusion of an area from international tendering for oil exploration and exploitation, should in no way be construed as surrendering Guatemala's sovereign rights over its continental shelf in the Caribbean Sea or as recognizing any right of Belize or accepting delimitation of the continental shelf, particularly since the territorial dispute has yet to be resolved;

(g) Until such time as a definitive settlement is reached that is satisfactory to both Parties, Guatemala does not recognize the charts and/or lists of geographical coordinates prepared by Belize to show all or part of maritime areas, the base of the territorial sea, the outer limits of the exclusive economic zone and the sea lanes.

7. The Government of Guatemala reiterates its willingness to continue negotiations with the State of Belize in order to arrive at a peaceful and equitable settlement to the ongoing dispute.